

Appln No. 09/711,648
Amdt date January 23, 2008
Reply to Office action of October 23, 2007

REMARKS/ARGUMENTS

In the Office action dated October 23, 2008, the examiner maintained the rejection of claims 1-3, 5-15, 17-20, 23-25, 27, 28, 30-35, 39 and 42-47 either under 35 U.S.C. §102(b) as allegedly anticipated by, or under 35 U.S.C. §103(a) as allegedly obvious over Abele, et al. (U.S. Patent No. 5,403,311). In maintaining this rejection, the examiner asserts that component 34 in Abele is akin to the limitation in independent claims 1, 9 and 23 that a portion of the injection needle comprises plastic tubing. However, component 34 is an insulating sheath that *surrounds* the needle tip and is a component separate from the needle tip. Column 6, lines 14-15. In contrast, independent claims 1, 9 and 23 recite an injection needle wherein a portion of the injection needle comprises plastic tubing. Abele fails to teach or suggest that a portion of the *injection needle* comprises plastic tubing. Rather, Abele only discloses an insulating sheath *surrounding* the injection and separate from the injection needle that is made of polyamide.¹ As such, Abele fails to teach or suggest the injection catheter recited in any of independent claims 1, 9 and 23. Therefore, independent claims 1, 9 and 23, and all claims dependent therefrom, including claims 2, 3, 5-8, 10-20, 24, 25, 27, 28, 30-35, 39 and 42-47, are allowable over Abele.

The examiner also maintained the rejection of claims 4 and 26 under 35 U.S.C. §103(a) as allegedly obvious over Abele in view of Cosman (U.S. Patent No. 4,966,597). However, each of claims 4 and 26 depends from one of independent claims 1, 9 and 23, all of which are allowable over Abele, as discussed above. Cosman fails to remedy the deficiencies of Abele as Cosman also fails to teach or suggest a catheter as recited in any of independent claim 1, 9 and 23. Accordingly, independent claims 1, 9 and 23, and all claims dependent therefrom, including claims 4 and 26, are allowable over Abele and Cosman.


Claims 1-20, 23-28, 30-35, 39 and 42-47 remain pending in this application. In view of the above remarks, Applicant submits that all of pending claims 1-20, 23-28, 30-35, 39 and 42-47 are in condition for allowance. Applicant therefore respectfully requests reconsideration and a timely indication of allowance. However, if there are any remaining issues that can be

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addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,
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